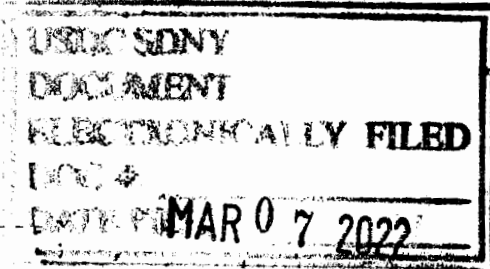


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUNGJIN INC CO., LTD.,



Plaintiff,

-against-

KENNETH HOROWITZ, d/b/a BAG STUDIO, LLC,

Defendants.

MEMORANDUM DECISION AND ORDER

19 Civ. 9496 (GBD) (GWG)

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GEORGE B. DANIELS, United States District Judge:

Plaintiff Sungjin Inc. Co. Ltd. originally brought this action in October 2019 and filed a second amended complaint against defendants Itochu International Inc., Itochu Logistics (USA) Corp., Kenneth Horowitz d/b/a Bag Studio, LLC, and Le Sportsac, Inc. in April 2020. Claims against all defendants, except Kenneth Horowitz d/b/a Bag Studio, LLC, have been dismissed. (See ECF Nos. 84, 146.) Plaintiff sought “more than US\$1 Million in money damages for ‘Le Sportsac’ handbags and related accessories manufactured, sold and delivered to and for the defendants.” (Second Amended Complaint, ECF No. 45, at 1.)

Before this Court is Magistrate Judge Gabriel Gorenstein’s July 30, 2021 Report and Recommendation (“Report”), recommending that this Court dismiss Plaintiff’s action for failure to prosecute. (Report, ECF No.148, at 3.) Magistrate Judge Gorenstein advised the Plaintiff that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. (*Id.*) No objections have been filed.

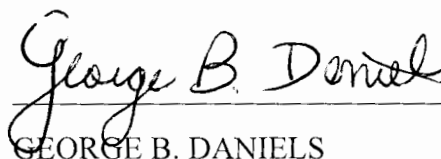
A court “may accept, reject, or modify, in whole or in part, the findings or recommendations” set forth in a magistrate judge’s report. 28 U.S.C. § 636(b)(1)(C). A magistrate judge’s report to which no objections are made is reviewed for clear error. *See Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citations omitted). Clear error is present only when “upon review of the entire record, [the court is] ‘left with the definite and firm conviction that a mistake has been committed.’” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006) (citation omitted).

Having reviewed the Report for clear error and finding none, this Court ADOPTS Magistrate Judge Gorenstein’s Report and Recommendation in full. As outlined in the Report, Plaintiff was ordered to show cause by June 29, 2021 why Magistrate Judge Gorenstein should not recommend that the case be dismissed for failure to prosecute. (Report at 1.) As of the date of this opinion, Plaintiff has made no submission in response to that order. Plaintiff has had ample time to show cause for why this case should not be dismissed and has failed to do so. The complaint is dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of the Court is directed to close the case.

Dated: New York, New York

March 7, 2022

SO ORDERED.

A handwritten signature in cursive script that reads "George B. Daniels". The signature is written in dark ink and is positioned above a horizontal line.

GEORGE B. DANIELS

United States District Judge